



## *Report to the Auburn City Council*

Action Item
Agenda Item No. 7
City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner *[Signature]*  
**Date:** March 23, 2009  
**Subject:** Relaxing Temporary Sign Regulations

### *The Issue*

Shall the City Council direct the Community Development Department to temporarily relax the City of Auburn's sign regulations relating to temporary signs?

### *Conclusions and Recommendations*

The Auburn Planning Commission and the Auburn Historic Design Review Commission recommend that the Auburn City Council take the following action:

- A. By Resolution, provide the Community Development Director with authority to utilize prosecutorial discretion in the application of the temporary sign requirements of the City of Auburn, subject to the provisions listed in Exhibit A.

### *Background*

On February 17, 2009, the Auburn Planning Commission and Auburn Historic Design Review Commission expressed interest in relaxing temporary sign provisions in the City and requested that staff develop provisions for their consideration. Staff developed temporary sign provisions and forwarded them to both commissions (Attachment 1). On Tuesday, March 3, 2009, as part of a joint hearing item, both Commissions reviewed the temporary sign provisions and voted to recommend that the City Council implement the program. The Commissions' recommendations are being forwarded to the City Council at this time for the Council's consideration (Exhibit A).

The proposed program establishes the Community Development Director as the approving authority for temporary signs. Applications for temporary signs will be required (for tracking purposes), however, it will be a "no fee" request. All applications will be reviewed by the CDD on a case-by-case basis. The term of the program is limited to 6-months from the Council's adoption of the program, at which time staff will come back to the Commissions and the City Council to report how the program is working and to determine whether it should be extended.

The recommended provisions from the Planning and Historic Design Review Commissions were forwarded to the Chamber of Commerce, the Old Town Business Association, the Downtown Business Association, and the Hwy 49 Business Association. Bruce Cosgrove with the Auburn

Chamber of Commerce contacted staff to indicate the Chamber's support of the program (see Attachment 2).

**Alternatives Available; Implications of Alternatives**

1. Take no action. The Community Development Department will continue to enforce temporary signs consistent with the requirements of the Auburn sign ordinance.
2. Direct staff to develop specific requirements and return to a subsequent City Council hearing.

**Fiscal Impact**

Staff time may be impacted to process the new temporary sign applications; however, a time savings could be realized through a potential reduction in the number of enforcement proceedings against temporary signs.

**Additional Information**

Attachments:

1. Joint Memo to Planning Commission & HDRC dated March 3, 2009
2. E-mail from the Chamber of Commerce supporting the program

Exhibit:

- A. Resolution for temporary sign provisions, including recommended provisions and maps illustrating areas of applicability

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# Memorandum

City of Auburn  
Community Development Department

**To:** Auburn Planning Commission and Auburn Historic Design Review Commission  
**From:** Reg Murray, Senior Planner *RAM*  
**Date:** March 3, 2009  
**Subject:** Relaxing Temporary Sign Regulations

During its review of Commission priorities on February 17, 2009, the Historic Design Review Commission (HDRC) discussed sign issues affecting the Community, including temporary signs. Due to the current economic climate and it's affect on local businesses, the Commission expressed interest in exploring ways in which the City could temporarily relax it's regulations regarding temporary signs. Since this issue affects both the Old Town & Downtown areas, as well as other areas with the City, this item is being provided to both the Planning Commission and the HDRC for their joint consideration.

## Current Provisions -

The City's sign ordinance currently limits temporary signs such as banners, balloons, and A-frame signs (Attachment 1). Per Section 159.196(C) banners for advertising are prohibited, though grand openings are allowed temporary banners for up to 30 days. Balloons are prohibited except for grand openings and car dealerships. A-frame signs are permitted for open house purposes, though A-frames for other purposes are subject to review and approval.

## Issues -

Relaxing the City's standards for temporary signs raises a number of issues that the Planning Commission and the HDRC may wish to consider. The issues include:

1. **Quantity** – Does the Commission wish to limit the number of temporary signs that a business can have at any one time (i.e. no more than one temporary sign per tenant; or per side of a building)? Does the commission wish to limit the number of requests a business can make over a particular period of time?
2. **Type** – Does the Commission wish to put limitations on how many different types of temporary signs are present at any one time (i.e. can a business multiple types of temporary signs such as banners, A-frames, and balloons all at the same time)?
3. **Size** – Should the size of banners, A-frames, and/or balloons have any limitations?

4. **Duration** – Does the Commission wish to set time limits for how long a temporary sign can remain in place? If a time limit is set (e.g. a 3-month time frame) what would prevent a business from approaching the City for another permit after the expiration of the initial permit?
5. **Balloons** – Does the City wish to place any limits on the type of balloons allowed with the temporary relaxation of standards. Possible options to consider include regular (party-size) balloons, large inflatable devices (e.g. gorillas; ice cream cones; etc.), large air blown moving devices (e.g. large floppy moving figures); and the small airborne barrage balloons.
6. **A-frame signs** – The placement of A-frame signs will need to maintain ADA accessibility and obtain an encroachment permit if within the City right-of-way.
7. **Mobile signs** – Does the Commission wish to provide direction on mobile signs? These are signs that are attached to vehicles (typically trailers) and can move around town. They can be parked on-site or off-site and can include electronic messages. The Auburn Police Department has concerns regarding the use of electronic message boards. These message boards distract motorists and compete with safety message boards.
8. **Location** – Should the temporary sign provisions apply City-wide, or just to certain areas such as Old Town and/or Downtown?

**Staff Recommendation -**

Staff has the following recommends relative to temporary sign provisions:

- A. The tenant/property owner will be required to submit a temporary sign application to the Community Development Department for review and approval. No application fee will be collected by the City.
- B. Each application will be reviewed on a case-by-case basis to determine the appropriateness of the request, including, but not limited to, the location, size, and number of signs.
- C. Staff recommends implementing the temporary sign provisions for a period of six (6) months. At the end of that time frame, staff would review the status of the program with the HDRC, the Planning Commission, and City Council to determine if the term of the program should be extended.
- D. **Quantity** – Staff recommends that the number of signs be reviewed and approved by staff.
- E. **Type** – Staff recommends that staff review and approve the mix of signs associated with a proposal.
- F. **Size** - Staff recommends that staff review and approve the size of signs associated with a proposal.
- G. **Duration** – Staff recommends that staff review and approve the time frame that temporary signs are allowed to remain in place.

- H. **Balloons** – Staff recommends limiting the use of balloons to the typical “birthday” size balloons (i.e. maximum approximately 14” in diameter) and prohibiting the use of large inflatable rooftop balloons, barrage balloons, and moving balloons powered by air blowers.
- I. **A-frame signs** – A-frame signs would be reviewed on a case-by-case basis to insure ADA accessibility and an encroachment permit (if located within the City right-of-way).
- J. **Mobile signs** – Staff recommends against the use of mobile signs.
- K. **Location** – Staff recommends that the temporary sign provisions only apply to the Old Town and Downtown districts, the Hwy 49 corridor, and the Nevada Street corridor. Staff recommends limiting the program to these more mainstream commercial areas. The City currently receives resident complaints against businesses in the other, smaller, outlying commercial pockets of town (e.g. Auburn Folsom at Herdal).
- L. **Type of Business** – Staff recommends that the provisions only apply to a commercial business.

The recommendations from this joint review by the HDRC and the Planning Commission will be forwarded to the Auburn City Council for their review and consideration.

**Attachments:**

- 1. Sign Ordinance (excerpted)

CDD/PC Information/Temporary Sign Standards.PC

(B) Notification of the sign control shall be included in the business license.

(1973 Code, § 9-4.1011) (Ord. 786, eff. 6-8-1983; Am. Ord. 88-3, eff. 5-11-1988) Penalty, see § 159.999

#### § 159.196 SIGN TYPES.

(A) *Permitted on premise signs.* The following on-premise signs shall be permitted:

(1) Real property signs conforming to the provisions of § 159.204;

(2) ~~Home-occupation signs;~~

(3) Trade construction signs;

(4) Master shopping center signs;

(5) Minor shopping center signs;

(6) Individual business signs;

(7) Freestanding signs;

(8) Directory signs; and

(9) Identification signs.

(B) *Permitted off-premise signs and regulations.* No off-premise sign shall be constructed unless and until the Commission has issued a use permit therefor, and all off-premise signs shall comply with the following conditions.

(1) No sign shall be permitted unless the applicant can show that the sign is necessary because of unusual access to the commercial business establishment.

(2) No sign shall be erected or maintained on premises used for residential purposes.

(3) No sign shall overhang public property, nor shall it violate the terms of height restrictions.

(4) No sign shall be located within 660 feet of a freeway.

(5) There shall be no more than 1 off-premise sign on any one parcel.

(6) Visual access to an existing sign shall not be blocked or impaired.

(7) All such signs shall comply with the provisions for setbacks in the district located therein.

(8) The maximum size shall be 100 square feet.

(C) *Permitted miscellaneous signs and regulations.* The following miscellaneous signs shall be permitted:

(1) Signs on company vehicles;

(2) Signs which contain banners, balloons, pennants or pinwheels shall be prohibited, except announcements of a public event. Grand openings shall be permitted to have the signs not to exceed 30 days;

(3) "A" frame or sandwich signs for open house purposes shall be permitted by right; however, other sign uses shall be subject to review and approval;

(4) Murals, graphics, awnings, canopies, time and temperature, barber poles, neon, wall and window signs reviewed on an individual basis;

(5) Political signs shall be removed within 15 days after the election; and

(6) Community directional signs.

(D) *Prohibited signs.* The following signs shall be prohibited:

(1) Roof signs;

(2) Signs on trees or vehicle tops;

(3) Signs which rotate, move, flash, blink, or appear to do any of such shall be prohibited unless required by law or utilized by the proper governmental agency; and

(4) Signs on any public property or public right-of-way shall be prohibited unless otherwise authorized by this chapter.  
(1973 Code, § 9-4.1013) (Ord. 786, eff. 6-8-1983)

#### **§ 159.197 SIGN LOCATIONS, HEIGHT, SETBACKS AND SIZE.**

The regulations shall be applicable for all signs within the city and shall be as set out in Appendix B to this chapter.  
(1973 Code, § 9-4.1014) (Ord. 786, eff. 6-8-1983; Am. Ord. 92-5, eff. 5-13-1992)

#### **§ 159.198 SIGN COLORS.**

Sign colors shall be compatible with the area to be served and/or the building the sign is to be attached to. Company logos may be considered.  
(1973 Code, § 9-4.1015) (Ord. 786, eff. 6-8-1983)

#### **§ 159.199 SIGN AREA.**

In computing the maximum permissible sign area or display surface, all signs designed to be seen from off the premises upon which the sign is, or is proposed to be, located shall be included; provided, however, only 1 face of a double face sign shall be included. The structure supporting a sign shall not be included in determining the sign area unless the structure is designed in a way to form an integral background for the display.  
(1973 Code, § 9-4.1016) (Ord. 786, eff. 6-8-1983)

#### **§ 159.200 NON-CONFORMING SIGNS.**

Except as otherwise provided in this chapter, non-conforming on-premise signs shall be made to

conform to the provisions of this chapter upon the change of the name of any business, the relocation of any business or an application for a sign for any business.

(1973 Code, § 9-4.1017) (Ord. 786, eff. 6-8-1983)

#### **§ 159.201 ABANDONED SIGNS.**

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign which pertains to an abandoned business. Any such sign shall promptly be removed by the owner or other person. Any sign which is located on property which becomes vacant and unoccupied for a period of 60 days or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his or her business, or any sign which pertains to a time, event or purpose which no longer applies shall be presumed to have been abandoned.

(1973 Code, § 9-4.1018) (Ord. 786, eff. 6-8-1983)  
Penalty, see § 159.999

#### **§ 159.202 TRAFFIC HAZARDS.**

The minimum height clearance for any sign shall not be less than 8 feet above the ground where pedestrian traffic may occur underneath the sign nor less than 14 feet above any driveway, alleyway or street designed for vehicular traffic.

(1973 Code, § 9-4.1019) (Ord. 786, eff. 6-8-1983)

#### **§ 159.203 FEES.**

Fees shall be charged pursuant to a resolution of the Council.

(1973 Code, § 9-4.1020) (Ord. 786, eff. 6-8-1983)

#### **§ 159.204 REAL PROPERTY SIGNS.**

Real property signs shall be placed upon the property only in accordance with the following regulations.

**Reg Murray**

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**From:** Bruce Cosgrove [Bruce@auburnchamber.net]  
**Sent:** Monday, March 09, 2009 1:02 PM  
**To:** Reg Murray  
**Cc:** Ann Rivero; bill radakovitz  
**Subject:** RE: Temporary Sign Provisions

Reg,  
 Thanks for sending this "draft" to me. I believe this is a good program, in these economic times, for the City to be offering local business. Maintaining control by requiring a "temp sign application" for approval is smart (good business), and waiving any "application fee" for this temporary sign program sends the message that the City recognizes and appreciates the economic challenges all are currently dealing with.  
 Have a great week.  
 Bruce

Bruce L. Cosgrove, CEO  
 Auburn Chamber of Commerce  
 601 Lincoln Way  
 Auburn, CA 95603  
 Ph: 530.885.5616 x226  
 FAX#: 530.885.5854  
 Email: bruce@auburnchamber.net

-----Original Message-----

**From:** Reg Murray [mailto:rmurray@auburn.ca.gov]  
**Sent:** Thursday, March 05, 2009 3:48 PM  
**To:** Bruce Cosgrove  
**Cc:** Will Wong; Robert Richardson  
**Subject:** Temporary Sign Provisions

Hello Bruce,

I believe that Will left a message with you earlier today to expect the attached information regarding the temporary sign provisions that the City will be considering in the near future.

Please let me know if you have any questions.

Thank you,

Reg Murray  
 Senior Planner  
 Auburn Community Development Department  
 p: 530-823-4211 ext 140  
 f: 530-885-5508  
 rmurray@auburn.ca.gov

-----Original Message-----

**From:** xerox  
**Sent:** Friday, March 06, 2009 1:14 AM  
**To:** Reg Murray



RESOLUTION NO. 09-

RESOLUTION PROVIDING THE COMMUNITY DEVELOPMENT DIRECTOR WITH  
PROSECUTORIAL DISCRETION RELATING TO TEMPORARY SIGNS

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THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn recognizes the difficulties that  
local merchants are having in the current economic climate;

That a relaxation of the City's temporary sign standards in select areas of  
town will assist local merchants; and

That the City Council of the City of Auburn hereby provides the  
Community Development Director with authority to utilize prosecutorial  
discretion in the application of the temporary sign requirements of the City of  
Auburn, subject to the provisions listed in the attached Exhibits.

DATED: March 23, 2009

\_\_\_\_\_  
J.M. Holmes, Mayor

ATTEST:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
that the foregoing resolution was duly passed at a regular meeting of the City  
of Auburn held on the 23<sup>rd</sup> day of March, 2009 by the following vote on roll  
call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

### Recommended Temporary Sign Provisions

The Community Development Department, Planning Commission, and Historic Design Review Commission recommend the following provisions for temporary signs:

1. The tenant/property owner will be required to submit a temporary sign application to the Community Development Department for review and approval. No application fee will be collected by the City.
2. Each application will be reviewed on a case-by-case basis to determine the appropriateness of the request, including, but not limited to, the location, size, and number of signs.
3. The program allowing for temporary signs will be valid for an initial period of six (6) months following adoption by the Auburn City Council. At the end of the initial period, staff will review the status of the program with the HDRC, the Planning Commission, and City Council to determine if the term of the program should be extended.
4. **Quantity** – The number of signs will be reviewed and approved by staff.
5. **Type** – Staff will review and approve the mix of signs associated with a proposal.
6. **Size** - Staff will review and approve the size of signs associated with a proposal.
7. **Duration** – Staff will review and approve the time frame that temporary signs are allowed to remain in place.
8. **Balloons** – The use of balloons will be limited to the typical “birthday” size balloons (i.e. maximum approximately 14” in diameter). Mylar balloons will be discouraged. The use of large inflatable rooftop balloons, barrage balloons, and moving balloons powered by air blowers will be prohibited.
9. **A-frame signs** – Staff will review and approve A-frame signs on a case-by-case basis to insure ADA accessibility and an encroachment permit (if located within the City right-of-way).
10. **Mobile signs** – The use of mobile signs will be prohibited.
11. **Location** – The temporary sign provisions will only apply to on-site signs located within the Old Town and Downtown districts, the Hwy 49 corridor, and the Nevada Street corridor.
12. **Type of Business** – The temporary sign provisions will only apply to a commercial business.

# Old Town and Downtown Historic Districts







